

Docket No. F-8475

Ser. No. 10/518,281

AMENDMENTS TO THE DRAWINGS:

Please find accompanying this response a replacement sheet for Fig. 8 wherein amendments are made to incorporated the legend PRIOR ART.

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REMARKS

Claims 1-6 remain pending in this application. Claims 1-7 are rejected.
Claim 7 is cancelled herein. Claims 1-4 are amended herein to clarify the invention.

DRAWING OBJECTION

Fig. 8 is objected to for lacking a legend indicating "Prior Art." Fig. 8 is now so amended and withdrawal of the objection is respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claim 7 is rejected under 35 U.S.C. § 102(b) as being anticipated by JP 63-103017 reference ('017). Claim 7 is cancelled rendering said rejection moot.

CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-6 are rejected as obvious over applicant's admitted prior art (AAPA) of Fig. 8 in view of the '017 reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

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It is respectfully submitted that a *prima facie* case of obviousness cannot be established in rejection of amended claims 1-4. "To establish *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

Each of claims 1-4 now includes a first cage having an annular baffle portion and a second cage without an annular baffle portion. The AAPA of Fig. 8 merely shows a dual row bearing with two cages but does not include baffles on either of the cages. The '017 reference shows a single race bearing with a cage which has baffle elements. One combining the '017 reference with the AAPA would not be led to the present invention because the '017 reference shows a cage with baffle elements and this would teach providing both cages of the prior art dual

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row bearing with baffles. However, this is excluded by the present claim language. Each of the claims states:

said second cage having pocket portions housing said balls and an annular interconnecting portion integrally formed with said pocket portions and without a baffle portion projecting radially therefrom.

Instead, only baffles are provided on the first cage. In claims 2 and 4 the cage with the baffle is provided on the minor diameter side of the bearing. Thus, while the '017 reference provides a cage with a baffle, it does not provide teaching which would lead one to provide of cage with a baffle on only one of the two cages, i.e., omit a baffle from a second cage.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited reference(s) for the reasons stated above. Reconsideration of the rejections of claims 1-6 and their allowance are respectfully requested.

REQUEST FOR EXTENSION OF TIME

Applicants respectfully request a three month extension of time for responding to the Office Action. The fee of \$1,050.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

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If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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Enc: Form PTO-2038; Replacement drawing sheet of Fig. 8.